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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,978	05/14/2001	Scott LeKuch	YOR920000702US3	9086

7590

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EXAMINER

LEWIS, ADAM M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/19/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,978

Applicant(s)

LEKUCH ET AL.

Examiner

Adam M. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 15 April, 2004.
2. Claims 1-19 are pending in this application. Claims 1, 11, and 17 are independent claims. In Amendment A, claims 1-3, 5, 6, 11-14, and 17-19 were amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruedisueli et al. ("Ruedisueli", US# 5,838,819).

As per claim 1, Ruedisueli teaches a computing system for incorporating physical paper input into a graphical user interface (GUI), said computing system comprising:

a computing device input system that records a physical writing using an electronic pen and, responsive to a user's first input, that selects a region of said recorded physical writing (Ruedisueli, col. 3, lines 24-29; col. 5, lines 54-60; Figure 7b);

an object creation manager device, responsive to a second input of said user, that creates an object representation of said selected region of said recorded physical writing that indicates an action (Ruedisueli, col. 5, lines 61-65); and

an object support component of said GUI that supports use of said created object representation by said GUI to perform said action (Ruedisueli, col. 6, lines 13-25).

Independent claims 11 and 17 are similar in scope to claim 1, and are therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said object support component of said GUI supports said action of said created object representation as a clipboard element that can be pasted into an application (Ruedisueli, col. 1, lines 62-65).

As per claim 3, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said object support component of said GUI supports said action as a reminder note (Ruedisueli, col. 5, lines 7-12).

As per claim 4, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said object representation of said selected region is displayed in a window of said GUI (Ruedisueli, col. 4, lines 57-67).

As per claim 5, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said computing system further comprises a display that displays said GUI and said representation of said physical writing (Ruedisueli, Fig. 9, col. 8, lines 15-28).

As per claim 6, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said selected region is indicated by a user manipulating said electronic pen that defines a region within said recorded physical writing (Ruedisueli, col. 5, lines 54-60; Figure 7b).

Dependent claim 15 is similar in scope to claim 7, and is therefore rejected under similar rationale.

As per claim 7, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 6 wherein said region is defined by one of circling said region of said

physical writing or by tapping corner boundaries of said region (Ruedisueli, col. 5, lines 54-60; Figure 7b).

Dependent claims 16 and 19 are similar in scope to claim 7, and are therefore rejected under similar rationale.

As per claim 8, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein a user indicates a desire to select a region of said physical writing by tapping a menu bar (Ruedisueli, col. 10, lines 4-17).

Dependent claim 14 is similar in scope to claim 8, and is therefore rejected under similar rationale.

As per claim 9, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said second user input indicates a desired type of object representation to be created by said object creation manager device by selecting an item from a menu bar (Ruedisueli, col. 10, lines 4-17).

As per claim 10, which is dependent on claim 1, Ruedisueli teaches the computing system of claim 1 wherein said computing input device is comprised of a digitizer input system, and wherein said electronic pen is embodied as a pen that emits a signal that is detectable by said digitizer input system (Ruedisueli, col. 3, lines 59-67 and col. 4, lines 1-4).

As per claim 12, which is dependent on claim 11, Ruedisueli teaches the method of claim 11 wherein said first user input indicates a desire to select a region of said physical writing to said input system (Ruedisueli, col. 5, lines 54-60; Figure 7b).

As per claim 13, which is dependent on claim 11, Ruedisueli teaches the method of claim 11 wherein said second user input indicates a type of object representation to be created by an object creation manager device (Ruedisueli, col. 5, lines 61-65).

Dependent claim 18 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 15 April, 2004 have been fully considered but they are not persuasive.

Applicants argued the following:

a. Ruedisueli does not disclose or teach extending GUI capability to the user to perform actions. Examiner disagrees and directs applicant's attention to col. 6, lines 43-50 in which Ruedisueli teaches allowing the user to, "... indicate at least two icons as corresponding to notes belonging to the same electronic page, then merge all such pages with similar identifiers..." Thereby showing a GUI, displaying icons requires a GUI, as well as using the GUI to perform actions, merging notes together.

b. Ruedisueli does not teach the capability of selecting and extracting multiple regions from a single page. Examiner finds no evidence of this limitation in the claims, therefore the argument is moot.

c. Ruedisueli lacks the object creation manager and object support component as claimed in claim 1 and the steps or program instructions to create an object representation and to support the use of the created object representation or representations as claimed in claims 11 and 17. Examiner disagrees and directs

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applicant's attention to col. 9, lines 15-19 in which Ruedisueli teaches the, "Electronic notepad can store electronic pages in a single data file corresponding to respective pages of written notes...", thereby requiring the computing system to use objects to store each file that corresponds to the correct page. Examiner further directs applicant's attention to col. 1, lines 65-67 and col. 2, lines 1-2. Here Ruedisueli teaches, "...devices operatively connected to the electronic notepad for operation therewith to receive, manage, merge, and/or display the electronic copies from the electronic notepad." Having the ability to carry out those functions certainly supports the use of the created object representations.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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